

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AL M. WILLIAMS,

Plaintiff,

v.

LADERA APARTMENTS, *et al.*,

Defendants.

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Civil Action No. 4:21-cv-154-SDJ-KPJ

ORDER

Pending before the Court is Plaintiff Al M. Williams’ (“Plaintiff”) First Verified Complaint and Request for Emergency Injunction (the “Emergency Motion”) (Dkt. 6). Plaintiff alleges Defendants Ladera Apartments, “Ms. Judy,” and Daniel Paz (collectively, “Defendants”) are attempting to evict Plaintiff and his family from their apartment on March 17, 2021, in violation of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) and the Centers for Disease Control and Prevention’s Eviction Moratorium. *See* Dkt. 6 at 1.

On February 25, 2021, the Court ordered expedited service of the Emergency Motion on Defendants and an expedited response, and set the Emergency Motion for in-person oral argument for Friday, March 5, 2021, at 1:30 p.m. *See* Dkt. 9.

On March 1, 2021, Plaintiff informed the Court that he could not attend an in-person hearing on March 5, 2021, due to a death in his family. *See* Dkt. 10.

On March 2, 2021, Defendants filed their Original Answer (Dkt. 12). Defendants raise three jurisdictional issues: (1) Plaintiff is not a tenant or occupant named on the lease at issue, and therefore, Plaintiff has no standing to contest the writ of possession under Texas law; (2) the

federal statute implicated in this suit is unconstitutional; and (3) even if the federal statute was constitutional, Plaintiff has no standing under that statute because he is not a tenant on the lease at issue. *See* Dkt. 12.

IT IS ORDERED that the hearing on the Emergency Motion (Dkt. 6), previously set for March 5, 2021, at 1:30 p.m., is hereby **CANCELLED**.

IT IS FURTHER ORDERED that Plaintiff shall file a reply, if any, to Defendants' Original Answer (Dkt. 12) no later than **Tuesday, March 9, 2021**. If the Court deems a hearing is necessary, it will enter an order regarding such under separate cover.

IT IS FURTHER ORDERED that the Clerk of Court shall serve this Order on Plaintiff in an expedited manner through FedEx shipping.

So ORDERED and SIGNED this 3rd day of March, 2021.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE